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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/671,925	09/24/2003	Paul Roller Michaelis	403036-A-01-US (Michaelis)	8458
47523	7590	07/05/2005	EXAMINER WOO, STELLA L	
JOHN C. MORAN, ATTORNEY, P.C. 4120 EAST 115 PLACE THORNTON, CO 80233-2623			ART UNIT 2643	
PAPER NUMBER				

DATE MAILED: 07/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/671,925

Applicant(s)

MICHAELIS, PAUL ROLLER

Examiner

Stella L. Woo

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-52 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-52 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-16, 20-32, 34-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Michaelis (US 2002/0097866 A1) in view of Engelke et al. (US 5,724,405, hereinafter "Engelke").

Regarding claims 1, 20, 34, 35, Michaelis discloses a method for communicating TTY calls, comprising the steps of:

detecting a TTY call (paragraph 2);

determining that a display on a first telecommunication terminal is to be used to display TTY information of the call from a second telecommunication terminal and that audio information will be transmitted to the second telecommunication terminal (when earpiece 102 is placed in acoustic coupler 202 of TDD 200 and mouthpiece 104 is held via handle 106, it is determined that the user wishes to transmit by speaking and to receive via TDD, which includes a display; paragraphs 2 and 14); and

muting an incoming call audio path (the sidetone path is muted so that the user will not hear the Baudot tones at the speaker (paragraph 15)).

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Michaelis differs from claims 1, 20, 34-35 in that it does not specify a digital display and converting the TTY information to digital display information. However, Engelke teaches the desirability of using a digital display to display TDD information (col. 13, lines 32, 39-50) such that it would have been obvious to an artisan of ordinary skill to incorporate the use of a digital display, as taught by Engelke, within the method of Michaelis for displaying the TDD information.

Regarding claims 2-3, 9, 16, 21, 23, 26, 36-37, 39, 42, 49, in Michaelis, audio information is generated via mouthpiece 104 (paragraph 14).

Regarding claims 4, 6-8, 22, 25, 38, 40-41, in Michaelis, transmission and reception takes place simultaneously (paragraph 5).

Regarding claims 5, 24, in Michaelis, communication takes place over telephone lines (paragraph 2).

Regarding claims 10, 27, 43, Engelke teaches a VCO mode (col. 10, lines 43-47).

Regarding claims 11-14, 29-32, 44-47, in Michaelis, the determining steps is based on whether the earpiece or mouthpiece is placed by the user on the TDD (paragraphs 13-14).

Regarding claim 15, 28, 48, any connection used to transmit information can be considered as a control path.

3. Claims 17-19, 33, 50-52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Michaelis in view of Engelke, as applied to claims 1, 20, 35 above, and further in view of Locke et al. (US 6,021,178, hereinafter "Locke").

The combination of Michaelis and Engelke differs from claims 17-19, 33, 50-52 in that it does not specify a voice message system. However, Locke teaches the well known use of a

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voice message system (messaging system 20) for handling TDD/voice calls (Abstract) such that it would have been obvious to an artisan of ordinary skill to incorporate such use of a voice messaging system, as taught by Locke, within the combination of Michaelis and Engelke for handling TDD/voice calls when a user is not available to receive the call.

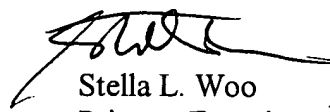
Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. LaMedica, Jr. et al., Bossi, Angelopoulos et al., and Proctor show converting between TDD and digital protocol.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stella L. Woo whose telephone number is (571) 272-7512. The examiner can normally be reached on Monday-Tuesday, Thursday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on (571) 272-7499. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Stella L. Woo
Primary Examiner
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